

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LINSON TARA,

Plaintiff,

v.

OFFICER BRENT FRANK, OFFICER MIKE  
BOEHMER, and the CITY OF TUKWILA, a  
municipal corporation,

Defendants.

No.

COMPLAINT

COMES NOW the Plaintiff, and alleges as follows:

**I. INTRODUCTION**

1.1 This case arises out of the use of excessive force by two Tukwila Police Officers, Officer Brent Frank and Officer Mike Boehmer, when arresting Linson Tara on suspicion of trespassing in the parking lot and loading dock area of a United Parcel Service facility. The officers used closed strikes to the face and head, electric shock by Taser darts, and canine bites for “pain compliance,” all of which was captured on a dash-cam video. The City of Tukwila ratified all these uses of force as “within policy,” showing that the policy of the City of Tukwila authorized and caused the use of excessive force on Mr. Tara.

**II. PARTIES**

2.1 Plaintiff Linson Tara is an individual, and a resident of King County Washington.

2.2 Officer Brent Frank is a police officer for the Tukwila Police Department, located in King County, Washington, which is within the Western District of Washington. Officer Frank

COMPLAINT - 1

No.

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1 is indemnified by the City of Tukwila for judgments against him for actions committed within  
2 the scope of his employment.

3 2.3 Officer Mike Boehmer is a police officer for the Tukwila Police Department,  
4 located in King County, Washington, which is within the Western District of Washington.  
5 Officer Boehmer is indemnified by the City of Tukwila for judgments against him for actions  
6 committed within the scope of his employment.

7 2.4 Defendant City of Tukwila, including its Police Department, is a municipal  
8 corporation formed under the laws of the State of Washington.

### 9 **III. JURISDICTION AND VENUE**

10 3.1 The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1331 and 1343.

11 3.2 Venue is appropriate in the Western District of Washington because the events  
12 complained of occurred in this District, and at least some of the Defendants reside in this  
13 District. 28 U.S.C. § 1391.

### 14 **IV. SCOPE OF EMPLOYMENT AND COLOR OF LAW**

15 3.1 At all times relevant to Plaintiff's claims, Defendant Frank acted within the scope  
16 and authority of his employment with the Tukwila Police Department, and all of his acts and  
17 omissions described in this Complaint were under color of law within the meaning of 42 U.S.C.  
18 § 1983.

19 3.2 At all times relevant to Plaintiff's claims, Defendant Boehmer acted within the  
20 scope and authority of his employment with the Tukwila Police Department, and all of his acts  
21 and omissions described in this Complaint were under color of law within the meaning of 42  
22 U.S.C. § 1983.

### 23 **IV. FACTUAL ALLEGATIONS**

24 4.1 On August 22, 2014, Tukwila Officers Brent Frank and Mike Boehmer were  
25 dispatched to the United Parcel Service freight facility in Tukwila, Washington, in response to a  
26 call that a man was "in the freight yard walking around, yelling, and dancing."  
27

1           4.2     When the officers arrived, they saw a man later identified at Plaintiff Linson Tara  
2 standing in the freight yard with one hand on his hip and the other hand with palm faced up.  
3 Several men wearing work clothes were also present. Everything from this point forward was  
4 captured on the dashboard camera of Officer Frank's police vehicle.

5           4.3     On the video, Officer Frank approaches Mr. Tara and grabs his left arm above the  
6 elbow. Officer Frank then grabbed Mr. Tara's left arm in a two-handed hold and began to escort  
7 him to the front of his patrol car. At that point, Officer Boehmer arrived on the scene.

8           4.4     When Mr. Tara turned away from Officer Frank, Officer Frank grabbed Mr. Tara  
9 around the neck and bent him over backward onto the hood of his patrol car. Officer Boehmer  
10 then took control of Mr. Tara's left arm, briefly using a counter-joint measure.

11          4.5     After experiencing some difficulty removing the Taser from his belt, Officer  
12 Boehmer released Mr. Tara's arm, which fell limp to the hood of the car. Officer Boehmer then  
13 used two hands to remove his Taser from his belt.

14          4.6     At this point, Officer Frank lifted Mr. Tara up off the hood of the car, twisted him  
15 around, and forcefully slammed him face up onto the pavement. With his knee on Mr. Tara's  
16 body, Officer Frank then struck Mr. Tara in the face and head six times with a closed fist.

17          4.7     As Officer Frank was punching Mr. Tara, Officer Boehmer shot his Taser darts  
18 into Mr. Tara's abdomen, then brought the Taser gun down to Mr. Tara's leg to apply an electric  
19 shock to Mr. Tara's body.

20          4.8     Officer Frank then pushed on Mr. Tara's body to roll him face down on the  
21 pavement.

22          4.9     At that moment, Officer Frank released his police canine, "Ace," from the patrol  
23 car, and the dog arrived at Mr. Tara's body and began biting at his legs. While sitting on top of  
24 Mr. Tara, Officer Frank repositioned the canine to an exposed section of Mr. Tara's leg.

25          4.10    As the canine continued to bite at Mr. Tara's legs, a third officer (Officer Don  
26 Ames) arrived on the scene, walks to Mr. Tara, places his knee on Mr. Tara's head, and places  
27

handcuffs on Mr. Tara. Several seconds later, Officer Frank removed the canine from Mr. Tara and placed the canine back in the patrol car.

4.11 Officer Ames then rolled Mr. Tara part way over, and he and Officer Boehmer looked at his face. On the video, Mr. Tara's head appears limp. When Officer Ames released him, Mr. Tara's body flopped limply to the pavement. On the video, it appears that Mr. Tara was unconscious.

4.12 Officer Ames then rolled Mr. Tara onto his back and removed the Taser probes from his abdomen. Officer Ames then lifted him by his collar to a kneeling position, and then he and Officer Boehmer lifted Mr. Tara to his feet and helped him out of the picture, presumably to another patrol car. During this process, Mr. Tara appears unconscious or barely conscious.

4.13 Officers then transported Mr. Tara to a local hospital, where he was treated for his injuries, including the dog bites on his legs and buttock.

4.14 The above described actions violated Plaintiff's constitutional rights to be free from unreasonable seizure, including excessive force during his arrest, and caused him physical and emotional pain, harm, and suffering.

## V. CAUSE OF ACTION

### *(Violations of the Fourth Amendment under 42 U.S.C. § 1983)*

5.1 By their acts and omissions described above, Defendants violated Plaintiff Tara's Fourth Amendment rights to be free from unreasonable seizures, including excessive force, and caused him physical and emotional pain, harm, and suffering.

5.2 By its acts and omissions described above, Defendant City of Tukwila a policy, practice, or custom that permits and authorizes the use of excessive force, and that this policy, practice, or custom caused the officers in this case to use excessive force on Plaintiff.

## VI. REQUEST FOR RELIEF

Plaintiff respectfully requests the following relief:

6.1 A declaration that Defendants' actions violated the civil rights of Plaintiff;

6.2 An order enjoining Defendants from future violations of civil rights of Plaintiff;

- 1 6.3 Damages for physical harm and pain and suffering;  
2 6.4 Damages for emotional distress and harm;  
3 6.5 Damages for past and future medical care;  
4 6.6 Punitive damages against the individual defendants  
5 6.7 Pre-judgment and post-judgment interest on any awarded amounts;  
6 6.8 Attorney's fees and costs pursuant to 42 U.S.C. § 1988 and other applicable law.  
7 6.9 Other declaratory and injunctive relief as the Court deems just and equitable.  
8 6.10 The right to conform the pleadings to the evidence presented.

9  
10 DATED this 1<sup>st</sup> day of February, 2015.

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